

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1816

Introduced by Assembly Member Dahle
(Coauthor: Senator Gaines)

February 8, 2016

An act to add Section ~~20527.14~~ *21100.3* to the Water Code, relating to irrigation districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1816, as amended, Dahle. Tulelake Irrigation District.

The Irrigation District Law provides for the formation of irrigation districts with prescribed powers. The district law generally requires a director on the board of an irrigation district to be a voter, landowner, and resident in the division of the district that the director represents.

This bill would ~~authorize, for~~ *authorize the board of directors of the Tulelake Irrigation District, every owner of real property assessed by the district, but no others, to vote at district elections for director, as prescribed. The bill would require that a director of the Tulelake Irrigation District, at the time of his or her nomination or appointment and through his or her entire term, be a registered voter in California, reside within the district or within one mile of any district boundary, and be a landowner, or a specified legal representative of a landowner, within the division he or she represents. By imposing requirements on the district in connection with district elections, this bill would impose a state-mandated local program. District to adopt a resolution that authorizes a person who is a landowner within the district and who*

resides within the district or within one mile of any district boundary to be a director of any division of the district. The bill would authorize the registered voters in the district to request and require that a director of the district be a voter, landowner, and resident in the division of the district that the director represents, as prescribed.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~.
State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21100.3 is added to the Water Code, to
2 read:

3 21100.3. (a) *This section only applies to the Tulelake Irrigation*
4 *District. For the purpose of this section, the following terms have*
5 *the following meanings:*

6 (1) *“District” means the Tulelake Irrigation District, originally*
7 *formed as Tule Lake Irrigation District.*

8 (2) *“Residency area” means land within the district or land*
9 *within one mile of any district boundary.*

10 (b) *Notwithstanding subdivision (a) of Section 21100, the board*
11 *of directors of the district may adopt a resolution that authorizes*
12 *a person who meets the landownership requirement of Section*
13 *21100 and resides within the residency area to be a director of*
14 *any division of the district.*

15 (c) *Notwithstanding the adoption of a resolution pursuant to*
16 *subdivision (b), the registered voters in the district may request,*
17 *in writing, that all of the directors who are appointed or elected*
18 *subsequent to the receipt of the request be required to meet all of*
19 *the requirements of Section 21100. The request shall be submitted*
20 *to the board of directors.*

21 (d) *If the board of directors determine that at least 25 percent*
22 *of the registered voters in the district have signed the request*
23 *submitted pursuant to subdivision (c), all of the directors who are*

1 *appointed or elected subsequent to the receipt of the request shall*
2 *meet all of the requirements of Section 21100.*

3 ~~SECTION 1. Section 20527.14 is added to the Water Code, to~~
4 ~~read:~~

5 ~~20527.14. (a) This section only applies to the Tulalake~~
6 ~~Irrigation District. For the purposes of this section, the following~~
7 ~~terms have the following meanings:~~

8 ~~(1) "Corporation" means any legal entity, public or private,~~
9 ~~properly organized under the laws of the state in which it was~~
10 ~~created, that is allowed to own real property in California.~~

11 ~~(2) "District" means the Tulalake Irrigation District, originally~~
12 ~~formed as Tule Lake Irrigation District.~~

13 ~~(3) "Legal representative" means a person authorized to act for~~
14 ~~or on behalf of a corporation, estate, or trust holding title to land~~
15 ~~within the district.~~

16 ~~(4) "Residency area" means land within the district or land~~
17 ~~within one mile of any district boundary.~~

18 ~~(b) Notwithstanding Section 20527 or any other law, every~~
19 ~~owner of real property assessed by the district, but no others, may~~
20 ~~vote at district elections for director. An owner need not be a~~
21 ~~resident of the division or district in order to qualify as a voter.~~
22 ~~The number of votes a voter shall be entitled to cast shall be based~~
23 ~~upon the total number of assessed acres owned by the voter in the~~
24 ~~division as follows:~~

25 ~~(1) For 50 or fewer assessed acres, one vote.~~

26 ~~(2) For more than 50, but not more than 250 assessed acres, two~~
27 ~~votes.~~

28 ~~(3) For more than 250 assessed acres, three votes.~~

29 ~~(c) The last Tulalake Irrigation District assessment roll is~~
30 ~~conclusive evidence of ownership and the number of assessed~~
31 ~~acres owned by the voter in the division.~~

32 ~~(d) (1) If land is owned in joint tenancy, tenancy in common,~~
33 ~~or any other multiple ownership, the owners of the land shall~~
34 ~~designate, in writing as specified in paragraph (2), which one of~~
35 ~~the owners is deemed the owner of the land for purposes of~~
36 ~~qualifying as a voter.~~

37 ~~(2) The designation shall be made upon a form provided by the~~
38 ~~district and shall be filed with the district at least 40 days prior to~~
39 ~~the election and shall remain in effect until amended or revoked.~~

1 ~~No amendment or revocation may occur within the period of 39~~
2 ~~days prior to an election.~~

3 ~~(e) The legal representative of a corporation, estate, or trust~~
4 ~~owning real property may vote on behalf of the corporation, estate,~~
5 ~~or trust, including when the entity is a designee pursuant to~~
6 ~~subdivision (d). Before a legal representative votes at a district~~
7 ~~election, he or she shall present to the district a copy of his or her~~
8 ~~authority that shall be kept and filed with the returns of the election.~~

9 ~~(f) A voter or legal representative of a voter may vote at a district~~
10 ~~election either in person or by a person appointed as his or her~~
11 ~~proxy. The appointment of a proxy shall be as provided in Section~~
12 ~~35005.~~

13 ~~(g) Notwithstanding Section 21100 or any other law, each~~
14 ~~director of the district shall, at the time of his or her nomination~~
15 ~~or appointment and through his or her entire term, meet all of the~~
16 ~~following requirements:~~

17 ~~(1) Be a registered voter in California.~~

18 ~~(2) Reside within the residency area.~~

19 ~~(3) Be a landowner within the division he or she represents or~~
20 ~~a legal representative of a landowner within the division he or she~~
21 ~~represents.~~

22 ~~SEC. 2. If the Commission on State Mandates determines that~~
23 ~~this act contains costs mandated by the state, reimbursement to~~
24 ~~local agencies and school districts for those costs shall be made~~
25 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
26 ~~4 of Title 2 of the Government Code.~~